In the High Court of Judicature at Madras

Dated:14.07.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice V. DHANAPALAN

Contempt Appeal No.2 of 2006
and CMP.No.3256 of 2006

R. Krishnamoorthy .. Appellant

vs.

1. Mr. K. Gnanadesikan I.A.S.,
   Secretary to Government
   of Tamilnadu
   Finance Department
   Fort St. George
   Chennai 600 009.

2. Mr. T. Theethan I.A. & A.S.,
   Accountant General (A&E)
   Tamil Nadu Circle
   No.361 Anna Salai
   Chennai 600 018. .. Respondents

Contempt Appeal filed under Section 19(1) of Contempts of Court Act 70 of 1971 as stated therein.

For appellant :Mr.K. Premkumar

For respondents:Mr. P. Wilson
Spl. Govt. Pleader for R.1

Mr. V.T. Gopalan
Addl. Solicitor General for R.2
assisted by T. Ravikumar

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JUDGMENT

(Order of the Court was made by P. SATHASIVAM,J.)

Aggrieved by the order of the learned Judge dated 25.11.2005 passed in Contempt Petition No.916 of 2005, dismissing the said petition with costs of Rs.1,000/-, the

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petitioner/appellant has filed the present appeal under Section 19(1) of the Contempt of Courts Act.s

2. Heard the learned counsel for the petitioner, learned Special Government Pleader for the first respondent and the learned Additional Solicitor General for the second respondent.

3. We verified the challenge made in the main writ petition, the relief prayed in the said petition, interim order granted by this Court on 31.03.2005 as well as the impugned order passed in the contempt petition. On going through all the above mentioned materials, we are of the view that though G.O.No.414 Finance ((Pay Cell) Department dated 31.07.2004 has been stayed by the orders of this Court, as rightly observed by the learned Judge, in the absence of specific direction for disbursement based on the earlier orders, the action of the respondents cannot be faulted with. We are in agreement with the conclusion arrived at by the learned Judge and find no ground to entertain the above appeal. However, it is the grievance of the appellant that the learned Judge while dismissing the contempt petition has awarded costs of Rs.1,000/-. We heard the learned counsel for respondents on this aspect. Considering the grievance expressed by the petitioner/appellant, we are of the view that there is no reason to award cost. Hence, the direction for payment of cost alone is set aside and in other respects we confirm the order of the learned Judge.

The appeal is disposed of accordingly. No costs. Consequently, connected CMP., is closed.

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Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

The Secretary to Governmetn of Tamil Nadu
Finance Department
Fort Saint George
Chennai - 9

2. The Accountant General (A&E)
Tamil Nadu Circle
No. 361 Anna Salai, Chennai - 18

+ one cc to M/s. K. Prem Kumar Advocate sr no. 30762

AMB(CO)
NM(25.07.2006)

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